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Attorney for Defendant RUSSELL TAYLOR OTT

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

UNITED STATES OF AMERICA,

No. CR 17 533 EMC

Plaintiff,

v.

**STATEMENT REGARDING SETTING
DEADLINE FOR FILING OF
STATUTORY NOTICE OF INTENT TO
SEEK DEATH PENALTY**

RUSSELL TAYLOR OTT,

Defendant.

**TO: THE UNITED STATES ATTORNEY FOR THE NORTHERN DISTRICT OF
CALIFORNIA; ASSISTANT UNITED STATES ATTORNEYS KEVIN BARRY
AND AJAY KRISHNAMURTHY; AND TO THE CLERK OF THE ABOVE-
ENTITLED COURT:**

On behalf of defendant Russell Ott, counsel Robert Waggener and Marcia Morrissey submit this statement regarding the request to the Court by defendants Wendt and Nelson to have the Court direct the Government to make a further inquiry with the Attorney General to expedite the decision-making process as to the three death-eligible defendants, indicating the Court's desire to have a decision by April 1, 2020.

STATEMENT RE: DEATH PENALTY NOTICE DEADLINE

1 For the Court's information, counsel Marcia Morrissey is still in trial in Las Vegas in a
2 multi-defendant federal racketeering case, and will likely not finish until the end of the month.

3 Defendant Ott does not join in the request by defendants Wendt and Nelson to have the
4 Court set a deadline for the filing by the government of a statutory notice of intent to seek or not
5 seek the death penalty. Defendant Ott does not oppose the request by defendants Wendt and
6 Nelson, and simply remains neutral on the issue. Defendant Ott is situated differently than
7 defendants Wendt and Nelson in that he is out of custody, and his alleged role in the charged
8 offenses is different than that of defendants Wendt and Nelson. There is also significance to the
9 fact that one of defendant Ott's attorneys has been unavailable to assist Mr. Ott for the last five
10 months because of a lengthy trial in Las Vegas.

11
12
13 February 20, 2020

Respectfully submitted

14
15 /s/
16 ROBERT WAGGENER
17 Attorney for Defendant
RUSSELL TAYLOR OTT

18 /s/
19 MARCIA MORRISSEY
20 Attorney for Defendant
RUSSELL TAYLOR OTT